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January 21, 2005

By Hand Delivery

Marlene H. Dortch
Secretary
Federal Communications Commission
c/o 236 Massachusetts Avenue, N.E.
Suite 110
Washington, D.C. 20002

RECEIVED

JAN 21 2005

Federal Communications Commission
Office of Secretary

Re: Amendment of Section 73.202(b),
Table of Allotments, FM Broadcast Stations
(Cambridge and St. Michaels, Maryland)
MB Docket No. 04-20; RM-10842

Dear Ms. Dortch:

Transmitted herewith on behalf of MTS Broadcasting, L.C., are an original and four copies of its "Motion for Leave to File Response to Reply Comments of CWA Broadcasting, Inc." and accompanying "Response to Reply Comments" filed in the above-referenced proceeding.

Should any questions arise concerning this matter, please communicate directly with the undersigned.

Very truly yours,

DICKSTEIN SHAPIRO MORIN
& OSHINSKY LLP

Attorneys for
MTS Broadcasting, L.C.

By: 
Andrew S. Kersting

Enclosure

cc: Certificate of Service (w/ encl.) (by hand & first-class mail)

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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JAN 21 2005

Federal Communications Commission
Office of Secretary

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 04-20
Table of Allotments,)	RM-10842
FM Broadcast Stations)	
(Cambridge and St. Michaels, Maryland))	

To: Assistant Chief, Audio Division
Media Bureau

**MOTION FOR LEAVE TO FILE RESPONSE
TO REPLY COMMENTS OF CWA BROADCASTING, INC.**

MTS Broadcasting, L.C. ("MTS"), licensee of radio station WCEM-FM, Cambridge, Maryland, hereby moves for leave to file the accompanying Response to Reply Comments (the "Response") with respect to Reply Comments filed on December 27, 2004 and supplemented on January 4, 2005 by CWA Broadcasting, Inc. ("CWA"). In support of this motion, the following is stated:

1. The above-captioned proceeding was initiated by a rulemaking petition filed by CWA to amend the FM Table of Allotments by deleting the allocation for Channel 232A in St. Michael's, Maryland, and by adding 232B1 in Cambridge, Maryland so that CWA could upgrade the currently-licensed facilities for WINX-FM in Cambridge, Maryland from a Class A to a Class B1 station. The *Notice of Proposed Rule Making* was released on February 13, 2004. *Cambridge and St. Michaels, Maryland*, 19 FCC Rcd 2592 (Aud. Div. 2004) ("*NPRM*").

2. On April 5, 2004, MTS filed comments on CWA's proposal and advanced a mutually-exclusive counterproposal to allocate Channel 233A to Newark, Maryland.

3. On April 20, 2004, CWA filed Reply Comments addressing MTS's counterproposal as well as separate counterproposals from Dana J. Puopolo and Route 12 Community Broadcasters ("Route 12").

4. By Public Notice dated December 9, 2004, the Commission authorized interested parties to file reply comments to each of the aforementioned counterproposals. CWA filed its Reply Comments on December 27, 2004 and then a Supplement to Reply Comments on January 4, 2005 (collectively, the "Reply Comments").

5. In its Reply Comments, CWA now claims for the first time that CWA's proposal is entitled to a second priority credit under the Commission's allotment criteria because an upgraded WINX-FM will provide second reception service to 1,106 persons over a 276 square kilometer area.¹ Reply Comments at 10. CWA's Reply Comments also allege for the first time that Channel 235A is available as an alternative channel for the MTS and Route 12 counterproposals and that the Media Bureau should grant CWA's proposal (which remains inconsistent with the grant of both the Newark and Stockton proposals) and then make a selection for an allotment to one of those two latter communities under Section 307(b) of the Communications Act of 1934, as amended. *Id.* at 11.

6. CWA had ample opportunity and incentive to advance the foregoing arguments when it filed its Reply Comments on April 20, 2004. If those arguments had been made at that time, MTS would have had an opportunity to file reply comments in response to the Public

¹ In the *NPRM*, the Commission stated that "engineering studies" showed several sections of the proposed gain area were underserved. According to the Commission, "an area containing 1,184 persons and covering 10 square kilometers currently receives only one full-time radio service (gray area)." 19 FCC Rcd at 2593. The Commission's staff never placed its "engineering studies" in the record in this proceeding. CWA's Reply Comments provide the first engineering study in this proceeding that bears upon this issue. Moreover, the gain area that CWA alleges would receive a second service from its proposal is substantially larger than that found by the Commission (276 square kilometers versus 10 square kilometers). *See* Supplement to Reply Comments, Exhibit A.

Notice of December 9, 2004, and discuss CWA's claim to a second allotment priority in the context of addressing the comparative merits of the other parties' counterproposals. By withholding its arguments (and new engineering study) until the filing of its Reply Comments on December 27, 2004, CWA has deprived MTS of the opportunity to respond to those new contentions. Procedural fairness for MTS and the Media Bureau's need for a complete record dictate that MTS have that opportunity to respond to CWA's new arguments.

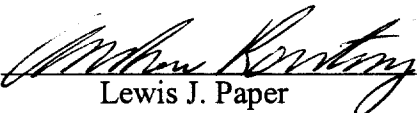
7. A grant of the instant motion and acceptance of the Response will not unduly delay the resolution of this proceeding or otherwise prejudice any public or private interest.

WHEREFORE, in view of the foregoing, it is respectfully requested that the instant motion be granted and that the attached Response be accepted for filing.

Respectfully submitted,

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Attorneys for
MTS BROADCASTING, L.C.

By: 
Lewis J. Paper
Andrew S. Kersting

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
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Amendment of Section 73.202(b),)	MB Docket No. 04-20
Table of Allotments,)	RM-10842
FM Broadcast Stations)	
(Cambridge and St. Michaels, Maryland))	

To: Assistant Chief, Audio Division
Media Bureau

RESPONSE TO REPLY COMMENTS

MTS Broadcasting, L.C. ("MTS"), licensee of radio station WCEM-FM, Cambridge, Maryland, hereby responds to the Reply Comments and Supplement to Reply Comments (collectively, the "Reply Comments") filed on December 27, 2004, and January 4, 2005, respectively, by CWA Broadcasting, Inc. ("CWA") in the above-captioned proceeding.¹

I. CWA Is Not Entitled to a Second Allotment Priority.

In its Reply Comments, CWA claims that its proposal should be preferred over MTS's counterproposal because CWA's proposal "will provide service to more area and population," including "a second reception service to 1,106 persons in 276 square kilometers. . . ." Reply at 10 - 11. There are two basic flaws with CWA's argument: first, CWA's claim to superior service is premised on a comparison between the coverage area of the currently-licensed facilities for WINX-FM on Channel 232A in Cambridge, Maryland with the theoretical coverage of an allotment at Channel 232B1 in Cambridge, Maryland that CWA acknowledges will never

¹ CWA also filed a Petition for Leave to File Supplement to Reply Comments on January 4, 2005.

be implemented, thus rendering the increase in service illusory; and, second, CWA's Reply Comments do not acknowledge, let alone account for, the loss of service that would ensue from the deletion of Channel 232A at St. Michael's, Maryland as that community's only local service. Consideration of either of those flaws makes MTS's counterproposal preferable.

A. CWA's Claimed Service Gains Illusory.

It is true, as CWA's Reply Comments state, that channel allotments are generally made on the basis of fully-spaced allotment reference sites and not a petitioner's actual proposed transmitter site. *See generally Edenton, Columbia and Pine Knoll Shores, North Carolina*, 11 FCC Rcd 7531, 7533-34 (Alloc. Branch 1996). The complementary staff policy of requiring petitioners to provide gain and loss studies based on fully-spaced transmitter sites is sound in the vast majority of allotment cases because generally the Commission cannot presume that parties will necessarily utilize an existing or proposed transmitter site when they subsequently apply for the new channel. *See, e.g., Princeton and Elk River, Minnesota* 14 FCC Rcd 17113, 17114 (Alloc. Branch 1999); *Edenton, et al. North Carolina*, 11 FCC Rcd at 7533-34. By the same token, the Commission should not turn a blind eye to reality and base an allotment decision upon a gain/loss analysis when the undisputed record demonstrates that the proponent cannot and will not operate from a transmitter site anywhere near the proposed reference coordinates.

That latter point is of particular importance in the instant proceeding. As the Media Bureau ("Bureau") acknowledged in the *Notice of Proposed Rule Making*, CWA has – from the very beginning of this proceeding – acknowledged that its existing transmitter site for WINX-FM is the only one from which WINX-FM can operate and still provide the requisite city-grade coverage to Cambridge.² In the event its proposal is adopted, CWA intends to implement its

² *See Notice of Proposed Rule Making*, 19 FCC Rcd 2592 (Aud. Div. 2004) ("NPRM"). As the NPRM explained, CWA's proposal to substitute Channel 232B1 for Channel 232A at St. Michaels and reallocate Channel 232B1 to Cambridge "is the result of a rather long history

Channel 232B1 upgrade from WINX-FM's licensed transmitter site near Trappe, Maryland, and not from the proposed allotment reference point. The plain and simple truth is that CWA has no alternative, and it would be arbitrary for the Commission to ignore that undisputed fact and rely instead on some theoretical site that will never be used to implement the new allocation.³

The significance of that reality-based assessment cannot be overestimated. As demonstrated in the Engineering Statement annexed hereto as Exhibit A, the Class B1 upgrade proposal set forth in CWA's pending application will not (as CWA's Reply Comments claim) provide service to any gray area, and its provision of service to other underserved areas will be far less beneficial than the service gains based on the theoretical site that will never be used. Accordingly, CWA is not entitled to a second allotment priority and can receive only minimal credit under the fourth allotment priority (other public interest matters). On that basis, MTS's counterproposal to provide Newark with its first local service would result in a preferential arrangement under the Commission's allotment priorities and should be adopted in lieu of the proposal set forth in the *NPRM*.

B. Loss of St. Michael's Allocation Fatal to CWA's Proposal.

To credit an allotment proposal which rests entirely upon phantom gray area service would be especially egregious in the instant case because a grant of CWA's proposal would not

involving its attempts to find a transmitter site that would allow [CWA] to serve Cambridge, its initial community of license." *NPRM*, 19 FCC Rcd at 2592. *See also Cambridge and St. Michaels, Maryland*, 9 FCC Rcd 2767, n. 4 (Alloc. Branch 1994), *aff'd*, 10 FCC Rcd 8080, 8081 n. 6 (Pol. Rul. Div. 1995), *rev'd*, 12 FCC Rcd 3504 (1997) (reallotting Channel 232A from Cambridge to St. Michaels).

³ The unavailability of alternative transmitter sites is confirmed by the application which CWA filed On July 18, 2002 – more than four months prior to filing its rulemaking petition on November 27, 2002 – which specifies the use of WINX-FM's existing licensed transmitter site for the implementation of any upgrade of WINX-FM to Channel 232B1 in Cambridge. *See* BPH-20020718ABE. As that application discloses, CWA plans to implement its proposal for Channel 232B1 by relying upon the contour protection provisions of Section 73.215 of the Commission's rules.

only result in the removal of the only local service at St. Michaels (which has a 2000 Census population of 1,193), but also deprive Newark residents of their first local transmission service. That result would thwart the objectives of Section 307(b) of the Communications Act of 1934, as amended (“the Act”), in providing a fair, efficient and equitable distribution of broadcast stations among the various states and communities,⁴ as well as the third allotment priority established in *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88, 91 (1982).⁵

CWA’s response to the deprivation of Newark of its first local service is an effort to discredit Newark as a “community” for allocation purposes. See Reply Comments at 2 - 8. MTS has already responded to CWA’s arguments on that point, and no further response is warranted here. However, CWA’s Reply makes no reference whatsoever to the loss of St. Michael’s first local service – the allotment which CWA itself had requested from the Commission in 1992.

That too should be a fatal oversight for CWA. In analyzing the costs and benefits of CWA’s current proposal, the Commission should remain mindful of the reason that WINX-FM is not operating in St. Michaels. Despite the full Commission’s 1997 decision granting its reallocation request, CWA chose to ignore the full Commission’s order and never implemented the reallocation decision. See *Cambridge and St. Michaels, Maryland*, 12 FCC Rcd 3504 (1997). Instead, after the FM Table of Allotments was amended to reflect Channel 232A’s allotment to St. Michaels, CWA continued to operate WINX-FM at Cambridge as if the full Commission’s decision had never been issued. More than 5½ years later, CWA came forward with its instant proposal, claiming that it would provide service to gray areas when, in fact, the very application

⁴ 47 U.S.C. §307(b). See *National Broadcasting Co. v. U.S.*, 319 U.S. 190, 217 (1943) (describing a goal of the Act to “secure the maximum benefits of radio to all the people of the United States”); *FCC v. Allentown Broadcasting Co.*, 349 U.S. 358, 359-62 (1955) (describing a goal of Section 307(b) to “secure local means of expression”).

⁵ The criteria for determining the comparative preferability of a proposed FM allotment are (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters. Co-equal weight is given to priorities (2) and (3). 90 FCC 2d at 91.

by which it intends to implement the Class B1 upgrade – which it filed more than four months prior to its rulemaking petition – shows that it will not provide service to *any* gray areas. See BPH-20020718ABE; *see also* Exhibit A at 2.

In this context, MTS's counterproposal is clearly the superior alternative under the Commission's established allotment priorities. Adoption of the MTS proposal would ensure St. Michael's retention of its only local service and provide Newark with its first local service. Balanced against those substantial benefits is, as explained in the attached Engineering Exhibit, a CWA proposal that will result in a gain in coverage of 37,472 people (all of whom have access to at least two (2) other radio services) but also include a loss of 97,108 people (all of whom have access to five (5) or more radio services).⁶

On this basis too, then, MTS's counterproposal to provide Newark with its first local service would result in a preferential arrangement under the Commission's allotment priorities and should be adopted in lieu of the proposal set forth in the *NPRM*.

II. CWA's Channel 235A Proposal Would Not Resolve Proceeding.

CWA claims that Channel 235A is available as an alternative allotment at either Newark or Stockton. Reply Comments at 11. CWA therefore contends that the Commission can grant its proposal and simultaneously make Channel 235A available to either Newark or Stockton (with the counterproposal of Daniel Puopolo being granted as well). Reply Comments at 11-12.

At first blush, CWA's Channel 235A proposal has intuitive appeal because it would seem to provide a potential means of resolving the mutual exclusivity between CWA's proposal

⁶ Under the peculiar circumstances of this case, the public interest requires a comparison of the population coverage under the theoretical St. Michael site with the actual transmitter site proposed by CWA for WINX-FM. Unlike the WINX-FM facility, there is no way for the Commission to determine at this point where a St. Michael transmitter would be located.

on the one hand and the Newark and Stockton counterproposals on the other hand. However, despite CWA's suggestion, CWA's supporting Engineering Statement states that there is no alternative channel available for Stockton and that Channel 235A is available only at Newark. CWA Reply Comments, Exhibit A at 3. Thus, Channel 235A is available as an alternative channel in the instant proceeding certainly if the Commission determines that Stockton does not constitute a community for allotment purposes.

Not surprisingly, CWA's Reply Comments reiterate CWA's earlier argument that Stockton does not constitute a community for allotment purposes.⁷ Reply Comments at 4 - 7. Although it acknowledges that Stockton is a Census Designated Place with its own zip code, post office, volunteer fire department and local churches and businesses, CWA claims that Stockton nonetheless lacks the "social, economic and cultural indicia" to qualify as a community for allotment purposes. *Id.* at 4.

Unfortunately, CWA's contention cannot be squared with precedent. The Commission has previously held that the foregoing qualities are sufficient to establish community status for allotment purposes. *See, e.g. Encino, Texas*, 18 FCC Rcd 23984 (Aud. Div. 2003) (finding Encino to be a community for allotment purposes where it was a Census Designated Place with a population of 110 persons and having comparable community indicia); *Marathon and Mertzon, Texas*, 18 FCC Rcd 23986 (Aud. Div. 2003) (finding Marathon to be a community for allotment purposes where it was a Census Designated Place with a population of 455 persons and having comparable community indicia). Consequently, any decision that is premised on Stockton not being a "community" for allotment purposes would likely result in successful appeals by Route 12 to the full Commission and/or the courts that would prolong the

⁷ CWA also repeats its earlier arguments concerning Newark's community status. *See* CWA Reply Comments at 7-8. MTS addressed those arguments in its Supplemental Comments filed June 17, 2004, and need not respond to the same allegations again.

ultimate resolution of the instant proceeding (and, in the end, preclude the use of Channel 235A as a vehicle to allow CWA to obtain Channel 232B1 at Cambridge).

CWA's proposal would not be useful even if the Commission were to find that (1) Stockton is a community for allotment purposes and (2) Newark is the preferred community under Section 307(b) of the Act. If the Commission were inclined to allot Channel 235A to Newark on that basis, there would still be issues left to resolve due to the nature of CWA's claim to a second allotment priority. Although Route 12 has not yet challenged CWA's claim to provide gray area service, as stated above, there is no factual dispute that CWA's proposal, when implemented, will not provide service to any gray area. If CWA's alternative Channel 235A proposal were to be adopted, Route 12 would have a compelling basis to argue that the Commission erred in not addressing the argument that, due to the unique circumstances of this case (*i.e.*, CWA has only one available transmitter site to serve Cambridge), the Commission should consider CWA's allotment proposal based on WINX-FM's licensed transmitter site.

Moreover, if Route 12 were to raise this argument in a subsequent appeal to the full Commission or a court, its position likely will have been substantiated by CWA's implementation of WINX-FM's Class B1 upgrade, which will provide no gray area service. The full Commission ultimately will be required to address the issue of whether CWA should be entitled to credit for a second allotment priority when it will not, in fact, provide gray area service. Therefore, the Bureau should not attempt to resolve this proceeding on the basis of CWA's alternative channel proposal because it will result in prolonged litigation that will unnecessarily delay the resolution of this proceeding.

III. Unique Issues Require Resolution by the Full Commission.

Section 0.283 of the Commission's rules requires that the Bureau refer to the Commission all matters "that present novel questions of law, fact or policy that cannot be resolved under existing precedence and guidelines." 47 C.F.R. §0.283. The instant proceeding raises novel questions that require this matter to be referred to the full Commission for decision. More specifically, the Bureau's policy of assessing gains and losses on the basis of maximized facilities from a theoretical reference point is premised not on a rule or Commission decision but on a staff-enunciated policy. *See supra* at 1 and sources cited therein. The undisputed facts in the record of the instant proceeding, however, make it clear that adherence to that staff policy could disserve the public interest and result in choices that will frustrate rather than advance the priorities which the Commission has established for FM allotment proceedings.

Since the staff policy has, to the knowledge of undersigned counsel, never been expressly affirmed by the Commission, the instant proceeding should be referred to the Commission to honor the limitations of the Bureau's decision-making authority.

Conclusion

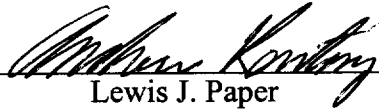
WHEREFORE, in view of the foregoing and the entire record herein, it is respectfully requested that (1) CWA's claim for a second allotment priority and its alternative Channel 235A proposal be denied, (2) MTS's counterproposal to allot Channel 233A to Newark, Maryland be adopted, and (3) the proposal set forth in the *NPRM* be denied.

Respectfully submitted,

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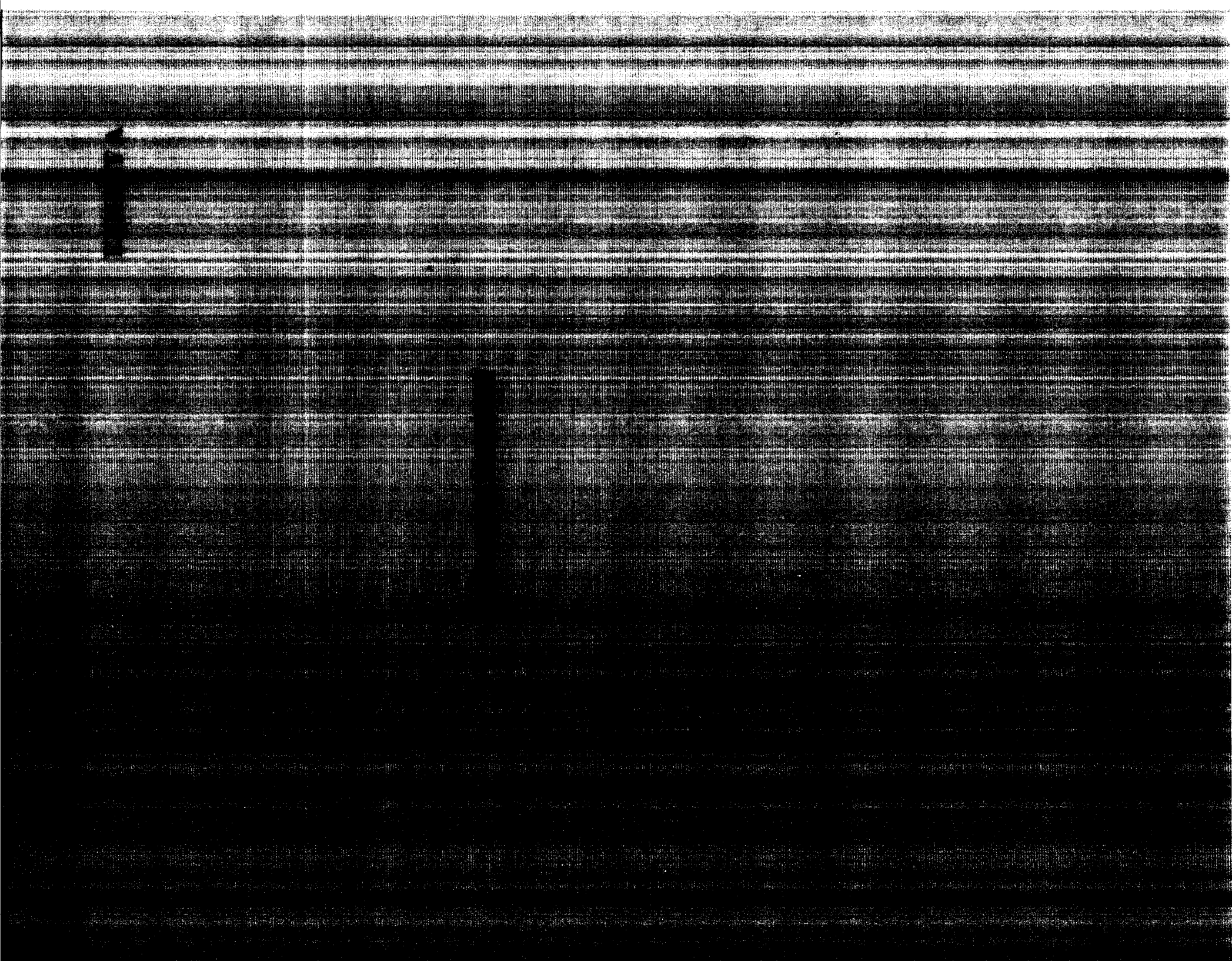
Attorneys for
MTS BROADCASTING, L.C.

By:

A handwritten signature in black ink, appearing to read "Andrew S. Kersting", is written over a horizontal line.

Lewis J. Paper

Andrew S. Kersting



ENGINEERING STATEMENT
OPPOSITION TO REPLY COMMENTS AND
SUPPLEMENT TO REPLY COMMENTS
MM DOCKET NO. 04-20, RM-10842
PREPARED FOR
MTS BROADCASTING, L.C.

The instant Engineering Statement has been prepared on behalf of MTS Broadcasting, L.C., the proponent in MM Docket No. 04-20 for the allotment of Channel 233A to Newark, Maryland. This Statement supports an Opposition to the Reply Comments and Supplement to Reply Comments submitted in this proceeding by CWA Broadcasting, Inc. (CWA), the proponent for the allotment of Channel 232B1 to Cambridge, Maryland, in substitution for the current allotment of Channel 232A at St. Michaels, Maryland. The Newark and Cambridge proposals are mutually exclusive, but the proposed Newark, Channel 233A, allotment is compatible with the St. Michaels, Channel 232A, allotment

In its Reply Comments and Supplement to Reply Comments, CWA submitted data comparing the service that is provided by the existing WINX-FM facility (Channel 232A, 4.6 kW, 110 meters) with the service for a maximum Channel 232B1 facility at the hypothetical reference site that was specified by CWA for the purposes of the proposed Cambridge, Channel 232B1, allotment. The instant Engineering Statement provides data comparing the 60 dBu service that would be provided by the St. Michaels, Channel 232A, allotment with the 60 dBu service that would be provided by the facility proposed by CWA if the Cambridge, Channel 232B1, allotment is adopted. The facilities proposed for WINX-FM are set forth in FCC File No. BPH-20020718ABE.

Figure 1 is a map that shows the 60 dBu contour for an assumed maximum St Michaels facility at the Channel 232A allotment reference site and the 60 dBu contour for the proposed CWA, Channel 232B1, operation for WINX-FM in BPH -20020718ABE. The 60 dBu contours are compared as is customary in allotment proceedings

Based on the 2000 Census, the population included within the 60 dBu contour for the St. Michaels, Channel 232A, allotment is 173,209 persons in a land area of 1,330 square kilometers. The population within the proposed WINX-FM, Channel 232B1, 60 dBu contour is 76,101 persons in a land area of 2,308 square kilometers. The WINX-FM proposed operation will result in 134,580 persons in a land area of 644 square kilometers potentially losing service if the WINX-FM, Channel 232B1 proposed operation is implemented. All of the area that would lose service has available five, or more, aural services.

Implementation of the proposed WINX-FM, Channel 232B1, operation will result in 37,472 persons in a land area of 1,622 square kilometers gaining a new aural service. Of these 37,472 persons, 35,650 persons in 1,416 square kilometers already have available five, or more aural services; 688 persons in 81 square kilometers have available four aural services; 964 persons in 116 square kilometers have available three aural services; and 170 persons in 9 square kilometers have available two aural services. No portion of the gain area is devoid of any aural service, and no portion has only one aural service. Figure 2 is a summary tabulation of the foregoing populations and areas.

The following procedures and methodologies were employed in the foregoing determinations. The computer algorithm implementation of the FCC's standard contour prediction methodology, as developed by EDX, was used for the calculations of the distances to the 60 dBu contours for FM stations. For AM stations, the EDX algorithm implementation of the FCC prediction methodology, employing the FCC's Figure M-3 ground conductivities, was used. The FCC's Consolidated Database System (CDBS) was relied on for station facilities.

Only two AM stations, WBAL, Baltimore, MD., 1090 kHz, and WTOP, Washington, D.C., 1500 kHz., both 50 kW, Class A, stations, provide fulltime service within portions of the proposed WINX-FM, Channel 232B1, gain area that have fewer

than five aural services. The populations within these areas are rural, so unlimited time, Class A, primary service (groundwave) signal strength of 0.1 mV/m is adequate for the provision of service by WBAL and WTOP. However, for FM allotment proceedings, a groundwave signal strength of 0.5 mV/m is usually employed, and the study was made on this basis. All other stations that were considered for the provision of service to the gain and loss areas were FM, and 60 dBu contours were used. Figure 3 is a list that identifies the stations and facilities used for the studies that were made.

For the enumerations of populations within the 60 dBu contours for the St. Michaels, Channel 232A, allotment and for the proposed WINX-FM, Channel 232B1, operation, the computer algorithm developed by EDX using 2000 Census data was employed. This algorithm includes in the database the geographic coordinates for the centroid of population for each census division. If the centroid coordinates are determined to be included within the contour of interest, the entire population of the census division is included in the enumeration.

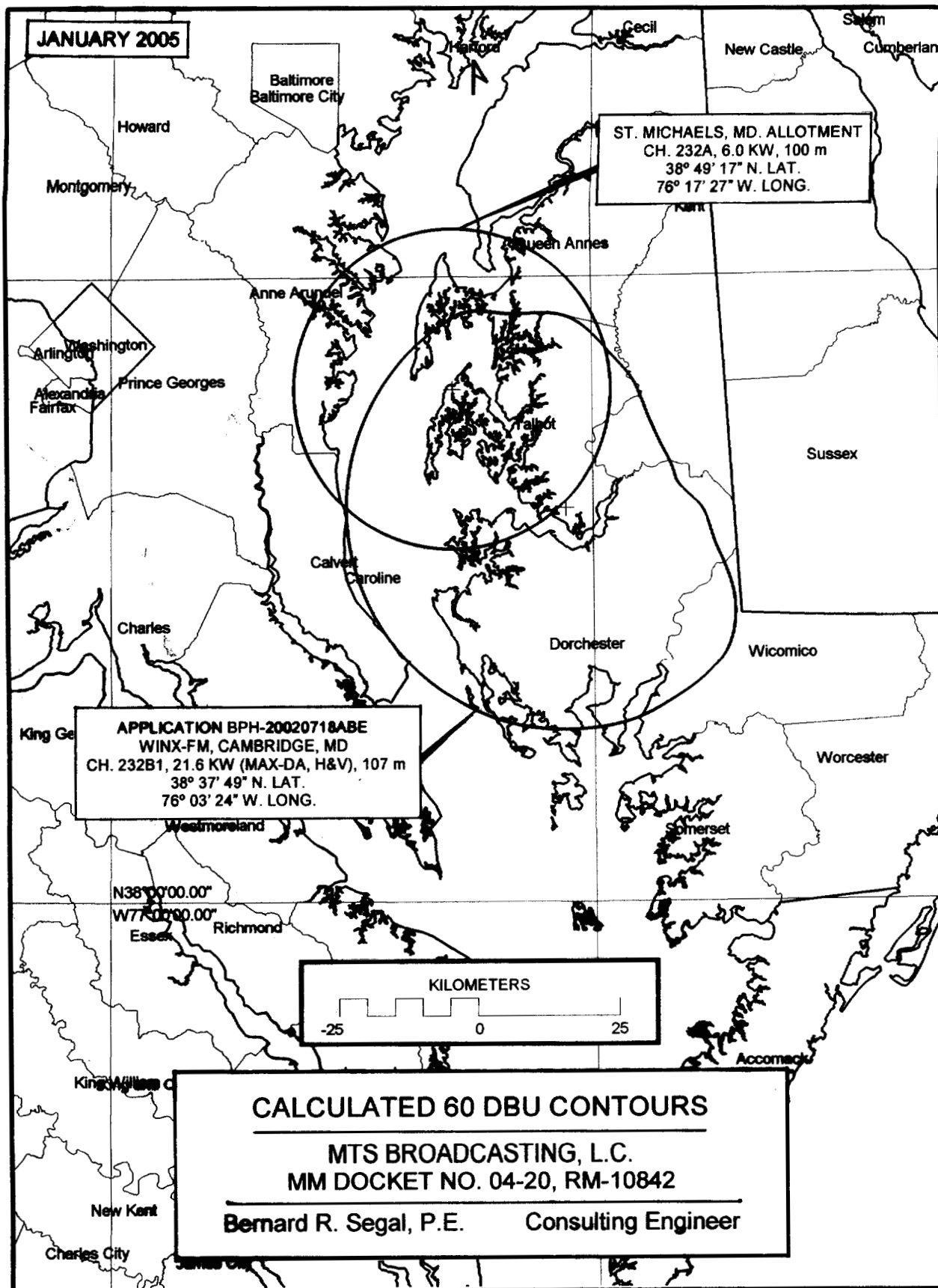
In order to minimize inadvertent omissions or inclusions of populations by the computer algorithm for the smaller pockets of fewer than five other aural services, the undersigned transferred the zones which defined the areas of fewer than five aural services to U.S. Bureau of the Census reference maps which showed divisions to the detail of block groups within census tracts. The population that was included in the enumeration for each block group was made in proportion to the included area.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 19, 2005.

Bernard R. Segal, P. E.

Bernard R. Segal, P. E.

FIGURE 1



BERNARD R. SEGAL, P. E.
CONSULTING ENGINEER
KENSINGTON, MARYLAND

Figure 2

POPULATION AND AREA SUMMARY
PROPOSED WINX-FM, CH. 232B1, GAINS AND LOSSES
RELATIVE TO THE
ST. MICHAELS, CH. 232A, ALLOTMENT

	<u>Population</u> (2000 Census)	<u>Land Area</u> (km ²)
Within St. Michaels, Ch. 232A, Allotment, 60 dBu	173,209	1,330
Within WINX-FM, Ch. 232B1, Application, 60 dBu	76,101	2,308
Net change if WINX-FM Application is granted	(97,108)	978
St. Michaels loss if WINX-FM Application is granted*	134,580	644
WINX-FM, Ch. 232B1, Application 60 dBu gain area:		
Currently receiving 5, or more, aural services	35,650	1,416
Currently receiving 4 aural services	688	81
Currently receiving 3 aural services	964	116
Currently receiving 2 aural services	170	9
Currently receiving 1 aural service	0	0
Currently receiving no aural service	0	0
WINX-FM, Ch. 232B1, Application 60 dBu gain area total	37,472	1,622

* The entire loss area currently has available five, or more, aural services.

BERNARD R. SEGAL, P. E.
CONSULTING ENGINEER
KENSINGTON, MARYLAND

Figure 3
Sheet 1 of 4

IDENTIFICATIONS OF STATIONS PROVIDING SERVICE WITHIN THE
PROPOSED WINX-FM, CH. 232B1, GAIN AND LOSS AREAS RELATIVE
TO THE ST. MICHAELS, CH.232A, ALLOTMENT SERVICE AREA

<u>STATION AND FACILITIES</u>	<u>GEOGRAPHIC COORDINATES</u> (N. Lat./ W. Long.)
1) WAMU, Washington, D.C. CH. 203B, 50 kW (H&V), 152 m	38° 56' 09" 77° 05' 33"
2) WSCL, Salisbury, MD CH. 208B, 33 kW (H&V), 178 m	38° 39' 15" 75° 36' 42"
3) WESM, Princess Anne, MD CH. 217B, 45 kW (H&V), 91 m	38° 12' 37" 75° 40' 56"
4) WXMD, Pocomoke City, MD CH. 223A, 2.95 kW, (H&V), 144 m	38° 08' 35" 75° 39' 53"
5) WBZS-FM, Prince Frederick, MD CH. 224A, 2.85 kW (H&V), 145 m	38° 40' 26" 76° 35' 40"
6) WXBH, Georgetown, DE CH. 228B1, 11.0kW (H&V), 148 m	38° 31' 24" 75° 17' 55"
7) WKDB, Laurel, DE CH 237A, 6 kW (H&V), 100 m	38° 30' 12" 75° 39' 39"
8) WPGC-FM, Morningside, MD CH. 238B, 50 kW (H&V), 148 m	38° 51' 49" 76° 54' 40"
9) WCEI-FM, Easton, MD CH. 244B1, 25 kW (H&V), 78 m*	38° 46' 13" 76° 04' 55"
10) WICO, Salisbury, MD CH. 248A, 4.5 kW (H&V), 91 m*	38° 21' 39" 75° 37' 00"
11) WMDM-FM, Lexington Park, MD C.P. CH. 249A, 6.0 kW (H&V), 100 m	38° 16' 58" 76° 33' 39"
12) WSBY-FM, Salisbury, MD CH. 255A, 6.0 kW (H&V), 99 m	38° 18' 00" 75° 37' 41"

*Maximum facilities for the station class were used for the study.

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KENSINGTON, MARYLAND

Figure 3
Sheet 2 of 4

IDENTIFICATIONS OF STATIONS PROVIDING SERVICE WITHIN THE
PROPOSED WINX-FM, CH. 232B1, GAIN AND LOSS AREAS RELATIVE
TO THE ST. MICHAELS, CH.232A, ALLOTMENT SERVICE AREA
(Continued)

<u>STATION AND FACILITIES</u>	<u>GEOGRAPHIC COORDINATES</u> (N. Lat./ W. Long.)
14) WHFS, Annapolis, MD CH. 256B, 50 kW (H&V), 140 m*	38° 59' 46" 76° 39' 26"
15) WAAI, Hurlock, MD CH. 265A, 1.3 kW (H&V), 153 m	38° 37' 28" 75° 53' 20"
16) WOLC, Princess Anne, MD CH. 273B, 50 kW (H&V), 152 m	38° 06' 43" 75° 39' 14"
17) WKIK-FM, California, MD CH.275A, 4.0 kW (H&V), 120 m	38° 22' 03" 76° 36' 55"
18) WRNR-FM, Grasonville, MD CH. 276A, 6.0 kW (H&V), 100 m	38° 56' 37" 76° 10' 43"
19) WWZZ, Waldorf, MD CH. 281B, 20 kW (H&V), 244 m	38° 37' 07" 76° 50' 42"
20) WQHQ, Ocean City-Salisbury, MD CH. 284B, 33 kW (H&V), 186 m	38° 23' 15" 75° 17' 30"
21) WBIG-FM, Washington, DC CH. 262B, 36 kW (H&V), 175 m	38° 53' 44" 77° 08' 04"
22) WAVA, Arlington, VA CH. 286B, 41 kW (H&V), 165 m	38° 53' 44" 77° 08' 04"
23) WLVW-FM, Salisbury, MD CH. 288A, 2.1 kW (H&V), 117 m	38° 24' 26" 75° 35' 57"
24) WCEM-FM, Cambridge, MD CH 292A, 6.0 kW (Max-DA, H&V), 99 m	38° 35' 02" 76° 04' 56"

* Maximum facilities for the station class were used for the study.

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Figure 3
Sheet 3 of 4

IDENTIFICATIONS OF STATIONS PROVIDING SERVICE WITHIN THE
PROPOSED WINX-FM, CH. 232B1, GAIN AND LOSS AREAS RELATIVE
TO THE ST. MICHAELS, CH.232A, ALLOTMENT SERVICE AREA
(Continued)

<u>STATION AND FACILITIES</u>	<u>GEOGRAPHIC COORDINATES</u> (N. Lat./ W. Long.)
25) WTDK, Federalsburg, MD CH. 296A, 3.9 kW (H&V), 124 m	38° 46' 02" 75° 44' 46"
26) WKHI, Fruitland, MD CH. 298B1, 18.5 kW (H&V), 104 m	38° 11' 54" 75° 40' 50"
27) WFSI, Annapolis, MD CH. 300B, 50 kW-H, 36 kW-V (DA), 152 m	38° 59' 46" 76° 39' 26"
28) WWDC-FM, Washington, DC CH. 266B, 22.5 kW (H&V), 232A	38° 59' 59" 77° 03' 27"
29) WLIF, Baltimore, MD CH 270B, 13.5 kW (H&V), 293 m	39° 25' 02" 76° 33' 23"
30) WQSR, Baltimore, MD CH. 274B, 50 kW (H&V), 133 m	39° 23' 11" 76° 43' 52"
31) WSMJ, Baltimore, MD CH. 282B, 32 kW (H&V), 148 m	39° 25' 46" 76° 27' 00"
32) WXYV, Catonsville, MD CH. 289B, 50 kW (H&V), 150 m	39° 19' 26" 76° 32' 56"
33) WWMX, Baltimore, MD CH. 293B, 7.4 kW (H&V), 371 m	39° 20' 10" 76° 38' 59"
34) WRQX, Washington, DC CH 297B, 34 kW (H&V), 184 m	38° 57' 01" 77° 04' 47"

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Figure 3
Sheet 4 of 4

IDENTIFICATIONS OF STATIONS PROVIDING SERVICE WITHIN THE
PROPOSED WINX-FM, CH. 232B1, GAIN AND LOSS AREAS RELATIVE
TO THE ST. MICHAELS, CH.232A, ALLOTMENT SERVICE AREA
(Continued)

<u>STATION AND FACILITIES</u>	<u>GEOGRAPHIC COORDINATES</u> (N. Lat./ W. Long.)
35) WSMD, Mechanicsville, MD CH. 252A, 3.0 kW (H&V), 100 m	38° 24' 49" 76° 46' 31"
36) WBAL, Baltimore, MD 1090 kHz, 50 kW, U, DA-N (Class A)	39° 22' 33" 76° 46' 21"
37) WTOP, Washington, DC 1500 kHz, 50 kW, U, DA-2 (Class A)	39° 02' 30" 77° 02' 45"

Note: For the areas with five, or more, aural services, not all the stations
providing service are listed.

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of January, 2005 a copy of the foregoing Motion for Leave to File Response to Reply Comments, along with the Response to Reply Comments, were hand-delivered or sent by first-class mail, postage prepaid, to the following:

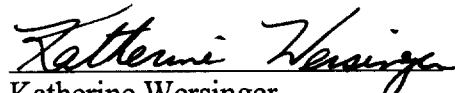
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* Hand Delivered